

RECEIVED MAY 17 10:26 AM USDC-ORF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT WOODROFFE, Case No. 2:15-cv-02390-SB  
Plaintiff

V.

DECLARATION OF  
PRO SE DEFENDANT  
ROBERT H. KING JR.  
IN SUPPORT OF ALL  
MOTIONS, ANSWERS  
PLEADINGS AND  
SUPPLEMENTAL FILINGS  
HEREIN, TO WIT.

I Robert H. King, Jr., inmate Pro  
Se Defendant, hereby declare:

1. I am Oregon State Inmate Number  
6217368. I make this declaration from a  
combination of personal knowledge and in reliance  
on public records and court records attached as  
exhibits hereto.

2. I make this Declaration of Pro Se  
Defendant Robert H. King, Jr., in support of All  
Motions, ANSWERS, PLEADINGS AND ALL  
SUPPLEMENTAL FILINGS HEREIN TO WIT.  
I am in forma pauperis and intelligent in

Page 1 of 16 Declaration of defendant Robert H. King, Jr.,  
In support of All Motions ...

1 all matters filed herein.

2 Defendant King asks this Honorable  
3 court for some leeway in filing of all  
4 pleadings herein as a Pro Se litigant defending himself.

5 3. I state to this Honorable  
6 court I am an incarcerated Oregon  
7 state inmate, and have been in prison,  
8 in Oregon continually since 12/12/1995.

9 4. I have never been a state or  
10 local government employee. Plaintiff in  
11 this case has not alleged defendant King  
12 is a state or state employee.

13 5. Defendant King has never acted  
14 under color of state law. Therefore 42  
15 USC 1983 does not apply to defendant  
16 King. Defendant King is an inmate.

17 6. Plaintiff Woodruffe is an inmate  
18 in the custody of the Oregon Department of  
19 Corrections (ODOC). Plaintiff has been in  
20 ODOC since April 21, 1995. (See Attached  
21 Exhibit 1.), (Exhibit 4, Oregon offender  
22 Search public information screen for Robert  
23 Craig Woodruffe - ODOC inmate 5631215.).

24 7. While in custody, plaintiff has filed  
numerous frivolous, vexatious, fraudulent lawsuits  
against [against] state defendants and against  
Page 2 of 16 Declaration of Defendant Robert H. King, Jr.,  
In Support of All Motions...

1  
2  
3 inmate defendants. Plaintiff has filed  
4 multiple vexatious, fraudulent, harassing  
5 litigation's against defendant King in the  
6 Oregon State Circuit Courts, Oregon Court  
7 of Appeals and in U.S. District Court. (See  
8 Exhibit No 2). IN All cases filed by Plaintiff;  
9 8. All Oregon State Court / Circuit Court  
10 lawsuits against defendant King have been  
11 either voided or dismissed by the courts.  
12 9. Umatilla Case CV140812, Voided  
13 and dismissed. Defendant King won (See Exhibit 7)  
14 10. Malheur Case 15 CK1047, Dismissed.  
15 Defendant King Won. (See Exhibit 6)  
16 11. Malheur Case Appealed to the  
17 Oregon Court of Appeals, Case No. A159832  
18 was affirmed without opinion. King Won (Exhibit 6)  
19 12. Plaintiff has been found to be a  
20 vexatious litigant in Malheur County. (See  
21 Exhibit 3)  
22 13. Plaintiff has been found to be a  
23 "3 Strikes" litigant in Umatilla County and  
24 multiple fee Waivers Reversed and denied  
and multiple cases dismissed. (See Exhibit 4.)  
14. All of Plaintiff's complaints in all

1 State Courts as well as this U.S.  
 2 District Court are all ~~in~~comprehensible.  
 3 In this case, Plaintiff does not allege  
 4 any comprehensible claim against defendant  
 5 King or frankly against any other defendant.  
 6 Even viewed liberally, the facts, issues  
 7 and claims as stated are not sufficient to  
 8 allege a cause of Action against defendant  
 9 King.

10 15. As stated, plaintiff has been found  
 11 to be a vexatious litigant in Oregon Courts  
 12 due to his frequent frivolous litigation. As  
 13 a result, plaintiff is now generally  
 14 prohibited from proceeding in formal,  
 15 pauperous in the State Courts. This  
 16 case is another example of a frivolous  
 17 vindictive, harassing lawsuit which is  
 18 poorly conceived and another complaint  
 19 failing in any reasonable attempt to allege  
 20 facts sufficient to recover damages even  
 21 if the allegations were true, which they  
 22 are not.

23 16. Plaintiff's case against defendant King  
 24 is in the improper venue. Defendant King

1 has never acted under color of  
 2 State law. 42 USC 1983 is improper  
 3 venue.

4 17. Plaintiff's case against defendant  
 5 King lacks subject matter jurisdiction, has  
 6 lack of personal jurisdiction and has  
 7 No jurisdiction against defendant King  
 8 as defendant King is an inmate, not  
 9 a state or local governmental agent,  
 10 official or employee and defendant  
 11 King has never acted under color of  
 12 State law. 42 USC 1983 is the wrong  
 13 jurisdiction in this case. Dismiss this case.

14 18. Plaintiff filed this case on  
 15 08/11/2016 but did not serve the  
 16 defendant until 04/24/2017 some 265  
 17 days which violates Rule 4 (m) and  
 18 thus insufficient service of process has  
 19 been committed.

20 19. Plaintiff has failed to state  
 21 a claim under 42 USC 1983 upon which  
 22 Relief can be granted. Defendant King has  
 23 never acted under color of State law.

24 20. Regardless of the Results of  
 Declaration of Defendant Robert H. King Jr  
 In Support of All Motions...



1 The dismissed misconduct Report  
 2 against plaintiff, defendant King  
 3 an inmate, not acting ever under  
 4 color of State law. At a different  
 5 prison, cannot be said, to have any  
 6 sort of Right to control the decision  
 7 of the prison staff to issue or not  
 8 to issue a citation for violation of the  
 9 prison Rules or misconduct Report against  
 10 the inmate plaintiff. Nor can it be  
 11 said defendant King has any authority  
 12 for any decision making authority regarding  
 13 the interpretation of the Oregon Department  
 14 of Corrections (ODOC) Rules regarding inmate  
 15 behavior. Therefore defendant King does  
 16 not have a Respondent Superior type of  
 17 liability for any decision made by ODOC  
 18 employees. Defendant King certainly does  
 19 not have any authority to act under  
 20 color of state law or to issue sanctions  
 21 for violations of the prison Rules. Nor  
 22 does defendant King have the authority to  
 23 prosecute violations of prison Rules.  
 24 Defendant King cannot be said to be at

1 fault for a third party PRISON  
 2 official not under his control  
 3 taking an action which may or  
 4 may not have been tortious. Plaintiff  
 5 leaves out the issue of there being  
 6 no showing of proper venue with regard  
 7 to defendant King an inmate not ever  
 8 acting under color of state law.

9 21. Plaintiff has been conducting  
 10 an ongoing fraudulent, harassing, annoying  
 11 series of lawsuits against defendant King  
 12 without good cause. The current lawsuit  
 13 is a vexatious lawsuit filed by a vindictive  
 14 vexatious litigant that has been instituted  
 15 maliciously and without good cause to  
 16 harass defendant King. The complaint is  
 17 a confusing and convoluted amalgamation of  
 18 conclusory fraudulent statements, legal  
 19 arguments, statutes, legal theories and  
 20 disjointed assertions. The complaint is fraudulent.

21 22. The current facts, issues,  
 22 allegations and claims Plaintiff is making,  
 23 in this case are almost identical to the  
 24

1 two previous lawsuits filed against  
 2 defendant King which were both  
 3 either voided or dismissed and  
 4 defendant King won both cases.

5  
 6 21. Plaintiff has been conducting  
 7 an ongoing fraud against the defendant King  
 8 since 2005 as is evidenced by  
 9 the dozens of bogus fraudulent,  
 10 veracious declarations Plaintiff has  
 11 accumulated from other inmates  
 12 against defendant King for the past  
 13 twelve (12) years. The attached  
 14 Exhibit # Five-5 titled, "Declaration  
 15 of Robert Woodette in the Matter of  
 16 Robert King Jr., with Exhibits", filed in  
 17 the Dismissed case in Malheur County  
 18 case No 15CV1047 is proof of this  
 19 ongoing twelve (12) year vendetta. The  
 20 court in Malheur County saw through all  
 21 this fraud and saw this ongoing  
 22 vendetta for what it was and dismissed  
 23 the case against defendant King. King Won.



22.

1 Even the Statute of Limitations  
 2 has expired on all of these claims  
 3 alleged by Plaintiff since 2005  
 4 in the attached bogus fraudulent  
 5 Affidavits and Declarations accumulated  
 6 and fraudulently acquired by Plaintiff  
 7 for twelve (12) years straight. This  
 8 Court can clearly see by the dozens  
 9 of attached Affidavits and declarations  
 10 how the Plaintiff was obsessed with  
 11 harming the defendant King for twelve (12)  
 12 straight years. 23. No legal action Nor  
 13 any disciplinary action was ever taken  
 14 as a result of all this fraud in the  
 15 attached Exhibit # Five-5. Exhibit # 5  
 16 is proof of the ongoing madness being  
 17 carried on by Plaintiff against defendant  
 18 King. The State Court saw straight  
 19 through this fraud in Exhibit # 5  
 20 and dismissed the case in defendant  
 21 King's favor. King won all cases.

22 24. In the United States District Court  
 23  
 24

1 for the Middle District of Tennessee  
2 Nashville Division, in the case of  
3 Williams v. Steele, 2013 U.S. Dist. LEXIS  
4 13207, Case No 3:12-cv-01039, January  
5 31, 2013 filed, U.S. District Court Judge  
6 the Honorable Todd J. Campbell, clearly  
7 stated the Courts position when in the  
8 opinion he said;

9 "... an inmate cannot sue another  
10 inmate under 42 USC § 1983."  
11

12 and said

13  
14 "... Prison inmates do not act under  
15 color of state law..."  
16

17 I am an inmate (defendant King)  
18 and Plaintiff is an inmate. There is  
19 no venue, there is no jurisdiction,  
20 the Plaintiff cannot sue defendant  
21 King under 42 USC 1983 in this case.  
22 25. Defendant King felt this  
23 U.S. District Court needed to see Exhibit  
24 # 5 attached to see the ongoing  
Page 10 of 16 Declaration of Defendant Robert H. King, Jr.  
In Support of All Motions ..."

1 madness, vendetta, fraud and  
 2 Rambling, amalgamations of disappointed,  
 3 argumentative, and Redundant false  
 4 assertions the Plaintiff has been  
 5 making against defendant King for over  
 6 twelve (12) years straight. This is  
 7 proof of a Vexatious - vendetta

8 26. In the previous cases the  
 9 plaintiff has sued every lawyer connected,  
 10 has Repeated all lawyers to the bar  
 11 association on fraudulent claims, a Sham  
 12 he (plaintiff) made up, has threatened  
 13 lawyers representing defendant King, has  
 14 threatened the Senior Assistant Attorney  
 15 General Shannon Vincent, has threatened  
 16 to send false documents to the Parole  
 17 Board to harm defendant King's parole  
 18 chances and plaintiff sued the Oregon  
 19 Bar Association when they dismissed all  
 20 Bar complaints against all the lawyers  
 21 he filed complaints on. If this court  
 22 carefully Reviews all the documents defendant  
 23 King has filed herein, the Court will see  
 24 the Sham's, the frauds, the lies, the  
 bogus claims the Plaintiff has alleged.

1 This Federal Court must act to  
 2 stop this madness and the insanity  
 3 the Plaintiff is conducting in this  
 4 action.

5 27. Plaintiff is an usually frequent  
 6 vexatious litigant who has already been  
 7 admonished by several different state and  
 8 federal courts about the undue burden that  
 9 a "stream of consciousness" pleading style  
 10 places on defendants and the courts as is  
 11 the case in this action. IN the analogous  
 12 federal context "The Requirements of a short  
 13 and plain statement of a claim and simple,  
 14 concise and direct averments prescribed by the  
 15 Rules have been held to be violated by a  
 16 pleading that was needlessly long, or a  
 17 complaint that was highly Repetitious, or  
 18 confused or consisted of incomprehensible rambling."  
 19 5 C. Wright and A. Miller, Federal Practice  
and Procedure § 12.17 (3d ed.).

20 28. Defendant King asks this court to  
 21 take judicial notice of the Rulings in the  
 22 Umatilla Case CV140812 and in the Malheur  
 23 Case 15CV1047 which are almost identical  
 24 cases to this case filed herein. In both

1 the Umatilla Case and the Malheur  
 2 cases defendant Kings Motions to dismiss  
 3 were granted. King Won all Cases.

4 29. Ultimately plaintiffs complaint in this  
 5 case is a sham that places an undue  
 6 burden on the court and anyone expected  
 7 to answer it by requiring that lengthy  
 8 recitations of events be reconciled with  
 9 conclusory claims. Plaintiff is a vexatious litigant.

10 30. Defendant King denies all of the  
 11 Sham, vexatious, fraudulent allegations the  
 12 plaintiff alleges in the complaint. There  
 13 is no chronological order or consistency  
 14 to the text in the complaint. The bogus  
 15 complaints paragraphs are jumbled, disorganized  
 16 and consist of irrelevant jargon.

17 31. The Third Amended Verified Complaint  
 18 states no possible claim against defendant  
 19 King as defendant King is an inmate, the  
 20 plaintiff is an inmate and defendant King  
 21 has never acted under color of State law.  
 22 At most, the sham complaint accuses defendant  
 23 King of bribing ODOC officials and having an inmate  
 24 staff relationship with no proof to prove



1 any claim he (Plaintiff) falsely alleges.  
 2 There is nothing in the complaint to  
 3 tie any of the Sham, fraudulent, bogus  
 4 allegations or accusations to any damages  
 5 the Veracious litigant Plaintiff alleges.  
 6

7 32. Plaintiff fails to allege a  
 8 proper claim under 42 USC 1983.

9 33. The Plaintiff has caused the  
 10 defendant to incur great debt in defense  
 11 of the plaintiff's Sham, fraudulent  
 12 veracious complaint. Defendant King  
 13 will submit to this court in a  
 14 supplemental motion and declaration  
 15 proof of mailing costs, xeroxing - photocopy  
 16 costs, telephone costs all to try to  
 17 get this bogus, fraudulent Sham complaint  
 18 dismissed. Defendant prays for judgment in defendant's favor  
 19 and an award of costs and disbursements.

20 34. By way of this declaration defendant  
 21 asks this court to totally waive all  
 22 fees and costs. Why should defendant  
 23 King be forced to pay fees and costs  
 24 to defend a fraudulent complaint filed  
 against him by a "3 strikes", Veracious  
 Plaintiff. Please issue an order on this.

1 35. Defendant King asks this  
 2 court to Review the Exhibit # 2  
 3 Declaration of Shannon Vincent which  
 4 clearly establishes Plaintiff has "3  
 5 STRIKES" in Federal Court. This  
 6 declaration of Shannon Vincent further  
 7 proves plaintiff is a Sham, fraudulent  
 8 vindictive veracious litigant, conducting  
 9 a harassing vendetta against defendant  
 10 King.

11 36. Defendant King further states to  
 12 this court he will file another Motion  
 13 to pray for judgment in defendants favor  
 14 and ask this court for an award  
 15 of costs and disbursements so as to  
 16 recover his losses caused by Plaintiff  
 17 in the defending of this veracious fraudulent  
 18 Sham Complaint.

19 37. Defendant further states this  
 20 action was not commenced within the  
 21 time permitted by statute.


22 38. Defendant further states this  
 23 complaint was not properly served within  
 24 the statutory time lines for proper

1 sufficient service of process. Fed  
 2 R. Civ. P Rule 4 (m) by statute states  
 3 120 days from the filing of the  
 4 complaint for service. Defendant King  
 5 was served on the 265<sup>th</sup> day!  
 6 Case filed 08/11/2016. Defendant  
 7 King served on 04/24/2017.

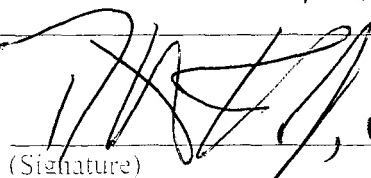
8 39. This case cannot proceed any  
 9 longer, under 42 USC 1983 a.s.  
 10 defendant King has never acted "under  
 11 color of state law", herein, to wit.

12 I hereby declare that the above  
 13 statement is true to the best of my  
 14 knowledge and belief, and that I  
 15 understand it is made for use as evidence  
 16 in court and is subject to penalty for  
 17 perjury.

18 Dated this 10<sup>th</sup> day of May 2017.

19   
 20 \_\_\_\_\_  
 21 Robert H. King, Jr.  
 22 Pro Se Defendant  
 23 Inmate 6217368  
 24 SRCL  
 777 Stanton Blvd  
 Ontario, OR 97914

## CERTIFICATE OF SERVICE

CASE NAME: Woodroffe v. Rosenblum, et al.CASE NUMBER: (if known) 2:15-cv-02396-SBCOMES NOW, Defendant Robert H King JR and certifies the following:  
Pro SeThat I am incarcerated by the Oregon Department of Corrections at Snake River  
Corrections InstitutionThat on the 10<sup>th</sup> day of May, 2017, I personally placed in the  
Correctional Institution's mailing service a TRUE COPY of the following:Declaration of Pro Se Defendant Robert H. King Jr in Support  
of All Motions, Answers, Pleadings and Supplemental Filings  
Herein, to wit:I placed the above in a securely enclosed, postage prepaid envelope, to the person(s)  
named at the places addressed below:Robert Woodroffe 5631215  
Plaintiff - inmate  
TRC1  
82911 Beach Access Rd  
Umatilla, OR 97882Shannon Vincent  
Defendant  
Senior Asst Attorney General  
Oregon DOJ  
11620 Court Street NE  
Salem, OR 97301Cleek  
U.S. District Court  
For District of Oregon  
Suite 740  
1000 SW 3rd Avenue  
Portland, OR 97204Bruno J. Jagelski  
Attorney at Law  
Attorney for Defendant Mahony  
P.O. Box 15  
89 S.W. 3rd Ave  
Ontario, OR 97914 Pro Se Defendant  
(Signature)Print Name Robert H. King Jr - Pro Se  
S.I.D. No.: 6217368 Defendant  
TRC1  
777 Stanton Blvd  
Ontario, OR 97914